

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOHN K. GOODROW,

Plaintiff,

v.

Civil Action No. 3:11cv20
Consolidated Action

FRIEDMAN & MACFADYEN, P.A., *et al.*,

Defendants.

ORDER

For the reasons set forth in the forthcoming Memorandum Opinion, the Court GRANTS IN PART and DENIES IN PART Defendants' Consolidated Motion to Dismiss the Amended Complaints. (ECF No. 132.)

The Court GRANTS the Consolidated Motion to Dismiss the trustee's breach of the duty of notice and to advertise in Count I and DISMISSES those claims WITH PREJUDICE. The Court DENIES the Consolidated Motion to Dismiss with respect to the trustee's breach of the fiduciary duty of impartiality in Count I.

The Court GRANTS the Consolidated Motion to Dismiss Count II of the Amended Complaints, the civil RICO claim, and DISMISSES COUNT II WITH PREJUDICE.

The Court GRANTS IN PART AND DENIES IN PART the Consolidated Motion to Dismiss the FDCPA claim in Count III.

Given this Order, the forthcoming Memorandum Opinion, and the settlement conference scheduled before the Honorable David J. Novak on August 5, 2013, the Court DENIES AS MOOT Plaintiffs' Motion to Stay and Refer to Magistrate Judge Novak for Settlement

Conference. (ECF No. 152.) The Memorandum Opinion will issue prior to the August 5, 2013 settlement conference.

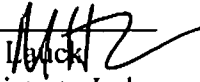
Based on the parties' informal written representations that they had resolved any dispute as to those two motions, the Court DENIES AS MOOT Defendants' Motion to Stay Discovery (ECF No. 120) and Plaintiffs' Motion to Terminate Stay (ECF No. 124).

No later than August 23, 2013, the parties SHALL FILE a revised discovery plan.

The parties SHALL APPEAR in Courtroom 5300 on August 27, 2013 at 2:00 PM. The Court will then review the revised discovery plan, enter a new discovery plan, and lift the stay in discovery currently in effect pursuant to the September 10, 2012 Order (ECF No. 50).

Let the Clerk send a copy of this Order to all counsel of record.

It is so ORDERED.

_____/s/ 
M. Hannah Lauck
United States Magistrate Judge

Richmond, Virginia

Date: 7-9-13